

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In Re:

Chapter 7

John G. Hazlitt a/k/a John Gerard Hazlitt,

Case No. 814-75429-A736

Debtor.

Affirmation in Support

-----X

Marc A. Pergament, duly affirms under the penalties of perjury as follows:

1. I am an attorney admitted to practice law in the United States Court of Appeals for the Second Circuit and the United States District Court for the Eastern and Southern Districts of New York and am a member of Weinberg, Gross & Pergament LLP, attorneys for the Trustee.

2. I am also the Trustee of this Estate and am familiar with the facts and circumstances set forth herein.

3. This Affirmation is presented in support of the Trustee's motion for an Order: (a) holding Gary Gartenberg in contempt for his refusal to comply with a Rule 2004 Subpoena dated January 14, 2015 ("Subpoena") compelling Gary Gartenberg to produce documents and appear for an examination; (b) assessing sanctions and fines against Gary Gartenberg in the sum of \$200.00 per day until he complies fully with the Subpoena; (c) awarding the Estate its attorneys fees and costs in the sum of \$750.00 with respect to this motion; and (d) for such other and further relief as this Court deems just and proper. (Annexed hereto as Exhibit "A" is a copy of the Subpoena and annexed hereto as Exhibit "B" is a copy of the affidavit of service of the Subpoena.)

4. The Debtor testified at his 341(a) meeting that he is a 1/3 owner of DNA Automotive Corporation and a 1/3 owner of Titan Management Corp. and that he believes that

he is a 1/3 owner of other corporations and that he was frozen out of the corporations in or about 2011 and that the businesses have substantial value.

5. The examination of Gary Gartenberg is required to investigate the Debtor's interest in the corporations. Mr. Gartenberg is a 2/3 owner of the corporations.

6. I submitted an Ex-Parte Motion requesting a Rule 2004 Examination of Gary Gartenberg with a demand for documents. An Order was entered by the Court on January 12, 2015 granting my request.

7. I thereafter served the Rule 2004 Subpoena on January 14, 2015 and Gary Gartenberg was to produce documents by February 9, 2015 and appear for his examination on February 17, 2015. He has not complied with the Rule 2004 Subpoena and has not produced any documents.

8. Based on the foregoing, I respectfully request that this Court grant my motion in its entirety because the refusal and failure of Gary Gartenberg to comply with the Subpoena has impeded my administration of this case.

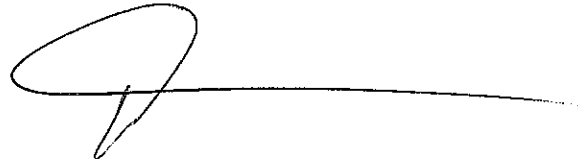
9. I request that this Court assess sanctions at the rate of \$200.00 per day from February 17, 2015 until Gary Gartenberg complies with the Subpoena. I also seek attorney's fees for the costs of this motion.

10. I also request that the Court waive the requirement of the filing of a memorandum of law as no issue of law is present with respect to the issues herein.

11. No prior application has been made to this or any other Court for the relief requested herein except as stated above.

WHEREFORE, it is respectfully requested that this Honorable Court grant the Trustee's motion in its entirety and such other and further relief as this Court deems just and proper.

Dated: Garden City, New York
February 23, 2015

A handwritten signature in black ink, consisting of a large, stylized capital 'P' followed by a long, horizontal stroke that tapers to the right.

Marc A. Pergament